

## **REMARKS**

Claims 1 to 8 are pending in the present application. In an Office Action mailed September 30, 2003, the Examiner objected to Claims 1 to 4 and 8 and rejected Claims 1 to 8. To place the Claims in condition for allowance, the Claims 1 to 4 have been amended to address the Examiner's objections and rejections.. Claim 8 has been cancelled. As amended, Claims 1 to 4 are supported by the specification as originally filed. Accordingly, the amendments add no new matter. Upon entry of the above amendments, Applicants respectfully request reconsideration of Claims 1 to 7.

### Objections to Claims 1 to 4 for Informalities

The Examiner objected to Claim 1 for a typographical error at line 6. Applicants have amended Claim 1, line 6 to replace "parties" with --particles--. This amendment is supported generally by the specification and by Claims 1 to 3, 5 and 7 as filed. As amended, Claim 1 properly spells all limitations.

Accordingly, Applicants respectfully request that the Examiner withdraw the objection to Claim 1.

The Examiner objected to Claim 2 for a grammatical error at line 3 and a typographical error at line 4. Applicants have amended Claim 1, line 6 to delete the word "by" and have replaced the ",", with a ---. As amended, the grammatical and typographical errors cited by the Examiner have been removed from Claim 2.

Accordingly, Applicants respectfully request that the Examiner withdraw the objection to Claim 2.

The Examiner objected to Claim 3 for a typographical error at line 2. Applicants have amended Claim 3, line 2 to replace "or" with --of--. As amended, the typographical error cited by the Examiner has been removed from Claim 3.

Accordingly, Applicants respectfully request that the Examiner withdraw the objection to Claim 3.

The Examiner objected to Claim 4 for a typographical error at line 3. Applicants have amended Claim 4, line 3 to replace “part” with –past--. This amendment is supported generally by the specification and by Claim 2 as filed. As amended, Claim 4 properly spells all limitations.

Accordingly, Applicants respectfully request that the Examiner withdraw the objection to Claim 1.

Objection to Claim 8 under 37 C.F.R. § 1.75(c)

The Examiner objected to Claim 8 under 37 C.F.R. § 1.75(c) as improperly dependent due to its duplicity. Claim 8 has been cancelled.

Accordingly, Applicants respectfully request that the Examiner withdraw the objection under 37 C.F.R. § 1.75(c)

Rejection of Claims 1 to 8 under 35 U.S.C. § 112, second paragraph

The Examiner rejected Claims 1 to 8 under 35 U.S.C. § 112, second paragraph as being indefinite. The Examiner contends that the limitation “said sensors” in Claim 1 lacks antecedent basis. Applicants have amended Claim 1 to remove the word “said”. Therefore, a rejection of Claim 1 and Claims 2 to 8 as incorporating the lack of antecedent basis from their parent Claim 1 is no longer proper.

Accordingly, Applicants respectfully request that the Examiner withdraw the rejection Claims 1 to 8 under 35 U.S.C. § 112, second paragraph.

Rejection of Claims 1 to 8 under 35 U.S.C. § 103(a)

The Examiner rejected Claims 1 to 8 under 35 U.S.C. § 103(a) as obvious over U.S. Pat. No. 5,933,352 by Salut in view of the Ballantyne et al. article entitled “Novel Branching Particle Method for Tracking”. Applicants respectfully traverse this rejection of Claims 1 and 8. Although Applicants respectfully disagree with the Examiner, Applicants have provided a declaration under 37 C.F.R. § 1.132 in accordance with

M.P.E.P. § 715.01(c) to expedite prosecution. Therefore, the continued rejection of amended Claims 1 to 8 as obvious is improper.

Accordingly, Applicants respectfully request that the rejections of Claims 1 to 8 under 35 U.S.C. § 103(a) be withdrawn.

#### CONCLUSION

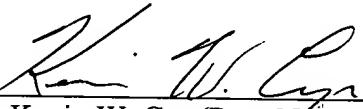
In view of Applicants' Declaration, amendments and remarks, the claims are believed to be in condition for allowance. Reconsideration, withdrawal of the rejections, and passage of the case to issue is respectfully requested.

A check for the fee required for a two (2) month extension of time under 37 C.F.R. § 1.136 is included with this paper.

Respectfully submitted,

Date: March 1, 2004

By

  
Kevin W. Cyr (Reg. No. 40,976)  
Attorney for Applicants  
Kondzella & Cyr  
Pondview Plaza, Suite 114  
5850 Opus Parkway  
Minnetonka, MN 55343  
(952) 545-8755